



Celeste L. Koeleveld
*Executive Assistant Corporation Counsel
for Public Safety*

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007-2601

(212) 788-0500
FAX (212) 442-8602
ckoeleve@law.nyc.gov

November 15, 2013

The Honorable Shira A. Scheindlin
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Plan for Certain §1983 Cases Against The City of New York
Mark Gillis v City of New York, et al.,
Civil Case No. 13 CV 6786 (SAS)

Dear Judge Scheindlin:

Yesterday, November 14, 2013, Assistant Corporation Counsels in ten §1983 cases pending before Your Honor received notice that the cases were being immediately removed from the SDNY Plan for Certain §1983 Cases Against the City of New York (the "Plan"). These removals were entirely unexpected; indeed, none of the parties in any of the ten cases had requested that the cases be removed from the Plan, and some of the cases had been proceeding under the Plan, efficiently and successfully, for a number of months. Two of the cases – Harvey v. City of New York, 13 Civ. 03375 (SAS), and Hernandez v. City of New York, 13 Civ. 5436 (SAS) – already have pending mediation dates in accordance with the Plan, with a mediation in Harvey scheduled for December 2, 2013. While a couple of Southern District judges have decided to opt out of the Plan entirely, and one or two others opt out of the Plan in response to a request from a party, no other judge has summarily removed all of his or her cases from the Plan at the same time and on the very same day, regardless of the status of the case and in the absence of any request from the parties.

As Your Honor is aware, the Southern District's experience with the Plan has been overwhelmingly positive. At least three in every four cases under the Plan settle at mediation, including many of the cases that have proceeded under the Plan before Your Honor, without the need for any intervention whatsoever by a district judge or a magistrate judge. Under the circumstances, we ask that you return to the Plan these ten cases that had been proceeding under the Plan. We note that, now that Your Honor has removed Hernandez from the

Plan, counsel in Hernandez no longer wants to proceed under the Plan, but there is no reason not to allow the pending mediation to occur; if it does not result in settlement, the case can be returned to the Court's docket forthwith without a significant loss of time on the Court's calendar.

Respectfully,



Celeste L. Koeleveld

cc: Plaintiffs' Counsel in the annexed cases

The following transaction was entered on 11/14/2013 at 10:29 AM EST and filed on 11/13/2013

Case Name: Hernandez v. The City of New York et al

Case Number: 1:13-cv-05436-SAS

Filer:

Document Number: 7

Docket Text:

ORDER OF REMOVAL FROM MEDIATION UNDER THE § 1983 PLAN: IT IS HEREBY ORDERED that the case be removed from the § 1983 plan, any case tracking deadlines associated with inclusion in the § 1983 plan be terminated, and the Clerk of Court shall remove the "1983-PLAN" case flag. IT IS FURTHER ORDERED that the parties appear at an initial case management conference pursuant to Rule 16 of the Federal Rules of Civil Procedure on December 12, 2013 at 4:30PM in Courtroom 15C of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10009. (Signed by Judge Shira A. Scheindlin on 11/13/2013) (cd)

The following transaction was entered on 11/14/2013 at 2:39 PM EST and filed on 11/14/2013

Case Name: Rosen v. New York City et al

Case Number: 1:13-cv-02331-SAS

Filer:

Document Number: 16

Docket Text:

ORDER OF REMOVAL FROM MEDIATION UNDER THE §1983 PLAN: IT IS HEREBY ORDERED that the case be removed from the §1983 plan, any case tracking deadlines associated with inclusion in the §1983 plan be terminated, and the Clerk of Court shall remove the "1983-PLAN" case flag. (Signed by Judge Shira A. Scheindlin on 11/14/2013) (cd)

The following transaction was entered on 11/14/2013 at 2:35 PM EST and filed on 11/14/2013

Case Name: Cooper v. The City of New York et al

Case Number: 1:12-cv-08008-SAS

Filer:

Document Number: 18

Docket Text:

ORDER OF REMOVAL FROM MEDIATION UNDER THE § 1983 PLAN: IT IS HEREBY ORDERED that the case be removed from the §1983 plan, any case tracking deadlines associated with inclusion in the §1983 plan be terminated, and

the Clerk of Court shall remove the "1983-PLAN" case flag. (Signed by Judge Shira A. Scheindlin on 11/14/2013) (cd)

The following transaction was entered on 11/14/2013 at 10:35 AM EST and filed on 11/13/2013

Case Name: King v. The City of New York et al

Case Number: 1:13-cv-06215-SAS

Filer:

Document Number: 6

Docket Text:

ORDER OF REMOVAL FROM MEDIATION UNDER THE § 1983 PLAN: IT IS HEREBY ORDERED that the case be removed from the § 1983 plan, any case tracking deadlines associated with inclusion in the §1983 plan be terminated, and the Clerk of Court shall remove the "1983-PLAN" case flag. IT IS FURTHER ORDERED that the parties appear at an initial case management conference pursuant to Rule 16 of the Federal Rules of Civil Procedure on November 25, 2013 at 4:30 PM in Courtroom 15C of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10009. (Initial Case Management Conference set for 11/25/2013 at 04:30 PM in Courtroom 15C, 500 Pearl Street, New York, NY 10007 before Judge Shira A. Scheindlin.) (Signed by Judge Shira A. Scheindlin on 11/13/2013) (cd)

The following transaction was entered on 11/14/2013 at 10:42 AM EST and filed on 11/13/2013

Case Name: Harvey v. The City of New York et al

Case Number: 1:13-cv-03375-SAS

Filer:

Document Number: 7

Docket Text:

ORDER OF REMOVAL FROM MEDIATION UNDER THE § 1983 PLAN: IT IS HEREBY ORDERED that the case be removed from the § 1983 plan, any case tracking deadlines associated with inclusion in the §1983 plan be terminated, and the Clerk of Court shall remove the "1983-PLAN" case flag. IT IS FURTHER ORDERED that the parties appear at an initial case management conference pursuant to Rule 16 of the Federal Rules of Civil Procedure on December 9, 2013 at 4:30 PM in Courtroom 15C of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10009. (Initial Case Management Conference set for 12/9/2013 at 04:30 PM in Courtroom 15C, 500 Pearl Street, New York, NY 10007 before Judge Shira A. Scheindlin.) (Signed by Judge Shira A. Scheindlin on 11/13/2013) (cd)

The following transaction was entered on 11/14/2013 at 10:53 AM EST and filed on 11/13/2013

Case Name: Abreu Duran v. The City Of New York , et al

Case Number: 1:13-cv-02488-SAS

Filer:

Document Number: 6

Docket Text:

ORDER OF REMOVAL FROM MEDIATION UNDER THE § 1983 PLAN: IT IS HEREBY ORDERED that the case be removed from the §1983 plan, any case tracking deadlines associated with inclusion in the §1983 plan be terminated, and the Clerk of Court shall remove the "1983-PLAN" case flag. IT IS FURTHER ORDERED that the parties appear at an initial case management conference pursuant to Rule 16 of the Federal Rules of Civil Procedure on December 10, 2013 at 4:30 PM in Courtroom 15C of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10009. (Initial Case Management Conference set for 12/10/2013 at 04:30 PM in Courtroom 15C, 500 Pearl Street, New York, NY 10007 before Judge Shira A. Scheindlin.) (Signed by Judge Shira A. Scheindlin on 11/13/2013) (cd)

The following transaction was entered on 11/14/2013 at 11:04 AM EST and filed on 11/13/2013

Case Name: Corzo v. The City Of New York , et al

Case Number: 1:13-cv-02757-SAS

Filer:

Document Number: 9

Docket Text:

ORDER OF REMOVAL FROM MEDIATION UNDER THE § 1983 PLAN: IT IS HEREBY ORDERED that the case be removed from the § 1983 plan, any case tracking deadlines associated with inclusion in the § 1983 plan be terminated, and the Clerk of Court shall remove the "1983-PLAN" case flag. IT IS FURTHER ORDERED that the parties appear at an initial case management conference pursuant to Rule 16 of the Federal Rules of Civil Procedure on December 11, 2013 at 4:30 PM in Courtroom 15C of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10009 (Initial Case Management Conference set for 12/11/2013 at 04:30 PM in Courtroom 15C, 500 Pearl Street, New York, NY 10007 before Judge Shira A. Scheindlin.) (Signed by Judge Shira A. Scheindlin on 11/13/2013) (cd)

The following transaction was entered on 11/14/2013 at 11:08 AM EST and filed on 11/13/2013

Case Name: Gaye v. The City of New York et al

Case Number: 1:13-cv-04022-SAS

Filer:

Document Number: 6

Docket Text:

ORDER OF REMOVAL FROM MEDIATION UNDER THE § 1983 PLAN: IT IS HEREBY ORDERED that the case be removed from the § 1983 plan, any case tracking deadlines associated with inclusion in the § 1983 plan be terminated, and the Clerk of Court shall remove the "1983-PLAN" case flag. IT IS FURTHER ORDERED that the parties appear at an initial case management conference pursuant to Rule 16 of the Federal Rules of Civil Procedure on December 12, 2013 at 4:30 PM in Courtroom 15C of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10009. (Initial Case Management Conference set for 12/12/2013 at 04:30 PM in Courtroom 15C, 500 Pearl Street, New York, NY 10007 before Judge Shira A. Scheindlin.) (Signed by Judge Shira A. Scheindlin on 11/13/2013) (cd)

The following transaction was entered on 11/14/2013 at 2:46 PM EST and filed on 11/14/2013

Case Name: Parent v. The City of New York et al

Case Number: 1:12-cv-05616-SAS

Filer:

Document Number: 5

Docket Text:

ORDER OF REMOVAL FROM MEDIATION UNDER THE § 1983 PLAN: IT IS HEREBY ORDERED that the case be removed from the § 1983 plan, any case tracking deadlines associated with inclusion in the § 1983 plan be terminated, and the Clerk of Court shall remove the "1983-PLAN" case flag. IT IS FURTHER ORDERED that the parties appear at an initial case management conference pursuant to Rule 16 of the Federal Rules of Civil Procedure on December 13, 2013 at 4:30 PM in Courtroom 15C of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10009. (Initial Case Management Conference set for 12/13/2013 at 04:30 PM in Courtroom 15C, 500 Pearl Street, New York, NY 10007 before Judge Shira A. Scheindlin.) (Signed by Judge Shira A. Scheindlin on 11/14/2013) (cd)

The following transaction was entered on 11/14/2013 at 2:52 PM EST and filed on 11/14/2013

Case Name: Gillis v. The City of New York et al

Case Number: 1:13-cv-06786-SAS

Filer:

Document Number: 9

Docket Text:

ORDER OF REMOVAL FROM MEDIATION UNDER THE § 1983 PLAN: IT IS HEREBY ORDERED that the case be removed from the § 1983 plan, any case tracking deadlines associated with inclusion in the § 1983 plan be terminated, and the Clerk of Court shall remove the "1983-PLAN" case flag. IT IS FURTHER ORDERED that the parties appear at an initial case management conference pursuant to Rule 16 of the Federal Rules of Civil Procedure on December 13, 2013 at 4:30 PM in Courtroom 15C of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10009. (Initial Case management Conference set for 12/13/2013 at 04:30 PM in Courtroom 15C, 500 Pearl Street, New York, NY 10007 before Judge Shira A. Scheindlin.) (Signed by Judge Shira A. Scheindlin on 11/14/2013) (cd)